



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,873	06/26/2003	Robert S. Bosko	L-0170.96	5255

41418 7590 08/18/2005

LAW OFFICES OF CHRISTOPHER L. MAKAY
1634 MILAM BUILDING
115 EAST TRAVIS STREET
SAN ANTONIO, TX 78205-1763

EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
----------	--------------

1724

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,873

Applicant(s)

BOSKO, ROBERT S.

Examiner

Matthew O. Savage

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 3,6,7,9-35,38,41 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 8, 36, 37, 39, and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 8, 36, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by McGowan.

With respect to claim 1, McGowan discloses a method of cleansing a filter including providing a source of purified water (e.g., via filter 14 stored in accumulator 16), and exposing the filter to the purified water (e.g., via backwashing as shown in FIG. 2).

Concerning claim 2, McGowan discloses a filter cartridge 14.

Concerning claim 8, McGowan discloses backwashing the filter with purified water (see FIG. 2).

With respect to claim 36, McGowan discloses a method for back flushing a filter including the steps of a) switching an inlet valve 22, a drain valve 46, and a flush valve 36 in a filtered flow path from a primary flow path used for dispensing operations to a secondary flow path, therein allowing purified water into the filtered flow path, b) flowing

Art Unit: 1724

the purified water in the secondary flow path, wherein the secondary flow path allows the purified water to flow backwards through the filter for a predetermined interval to remove or dissolve filtered media or unclog a filter in the primary flow path (See FIG. 2.), and c) switching the inlet valve 22, the drain valve 46, and the flush valve 36 from the secondary flow path to the primary flow path to resume dispensing operations (See FIG. 1.).

Concerning claim 37, McGowan discloses repeating steps a-c to provide continued cleansing of the filter medium (see from line 60 of col. 3 to line 3 of col. 5).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGowan in view of Hisada et al.

Regarding claims 2, 4, 39, and 40, McGowan fails to specify the flush source as containing water having a total dissolve solids reading less, 50% less, 80% less, or 95% less than that of the water normally being filtered in the filtered flow path. Hisada et al discloses that is well known to purify water with a reverse osmosis filter capable of removing 99% dissolved solids and suggests that such a filter can be used to desalinate

water and can be cleaned by backwashing. It would have been obvious to have modified the filter of McGowan so as to have included a reverse osmosis filter as suggested by Hisada et al in order to provide a filtration system capable of desalinating water.

Applicant's arguments filed 4-25-05 have been fully considered but they are not persuasive.

Applicant argues that McGowan fails to disclose exposing the filter to purified water as recited in claims 1, 2, 8, 36, and 37, however, it is held that McGowan discloses a source of water within accumulator 16 that has been purified by the filter element 14, i.e., water that is purified relative to the impure water contained within feed pipe 20. Applicant argues that the term "purified water" is defined in the specification as meaning "water having a lower total dissolved solids reading than the water being filtered", however, the specification uses the word "includes" (see line 5 of page 5 of the specification), and therefor does not limit the term "purified water" to water having dissolved solids removed therefrom.

Applicant argues that the combination McGowan and Hisada et al would not produce "purified water", however, it is held that water filtered with the reverse osmosis filter of Hisada et al would be purified water as recited in claims 4, 5, 39, and 40 since a reverse osmosis filter can remove up to 99% of dissolved solids from water. Applicant argues that the backwashing procedure of McGowan would damage the reverse osmosis filter of Hisada et al, however, it is held that one skilled in the art would control

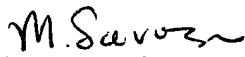
Art Unit: 1724

the flow rate of the purified water to prevent damage to the filter since McGowan teaches that "The backwashing flow may be regulated in accordance with the requirements of the filter" (see lines 56-57 of col. 2).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.


Matthew O Savage
Primary Examiner
Art Unit 1724

mos
August 15, 2005